

APPENDIX OF FORMS

SPECIFIC INSTRUCTIONS

Form 1

This form of summons is to be used only in those actions described in 28 U.S.C. § 1581(a).

The summons must be filed together with a \$120 filing fee, a completed Information Statement (Form 5), and a completed Disclosure of Corporate Affiliation and Financial Interest (Form 13).

The summons form (copies of which may be obtained from the office of the clerk) consists of three pages. The first page is to be completed with the required information pertaining to the denied protest. The second page is to be completed with the required information pertaining to the administrative decision contested in the action. The third page is to be completed with a schedule of protests, listed in numerical order, when more than one denied protest is included in the action.

When the action includes protests denied at one port of entry, the original and four copies of the summons must be filed. When the action includes protests denied at more than one port of entry, an additional copy of the summons must be filed at the same time for the protests denied at each such additional port of entry.

(As amended July 23, 1993, eff. July 23, 1993.)

Form 1A

A Notice of Lawsuit and Request for Waiver of Service of Summons which, as previously prescribed by Rule 4(d), shall be addressed directly to a defendant and sent by first-class mail or other reliable means. The defendant shall be allowed a reasonable period of time to return the waiver (Form 1B).

Plaintiff shall provide the defendant with a stamped and addressed return envelope. Plaintiff also shall provide the defendant with a copy of the waiver for defendant's records.

Upon receipt of the signed waiver, plaintiff shall file the waiver with the court.

If the waiver is timely returned by the defendant, that defendant, if located within any judicial district in the United States, is not required to serve an answer until 60 days after the date on which the request for the waiver was sent.

(Added Oct. 5, 1994, eff. Jan. 1, 1995.)

SPECIFIC INSTRUCTIONS-FORM 1B

Form 1B

A Waiver of Service of Summons which, as prescribed by Rule 4(d), shall be returned to a plaintiff who has requested a defendant to waive service.

If a defendant, after being notified of an action and asked to waive service, fails to do so, that defendant will be required to bear the cost of service unless good cause can be shown for its failure to sign and return the waiver.

If the waiver is timely returned by the defendant, that defendant, if located within any judicial district of the United States, is not required to serve an answer until 60 days after the date on which the request for the waiver was sent.

(Added Oct. 5, 1994, eff. Jan. 1, 1995.)

SPECIFIC INSTRUCTIONS-FORM 2

Form 2

This form of summons is to be used only in those actions described in 28 U.S.C. § 1581(b).

The summons must be filed together with a \$150 filing fee, a completed Information Statement (Form 5), and a completed Disclosure of Corporate Affiliation and Financial Interest (Form 13).

The summons form (copies of which may be obtained from the office of the clerk) consists of two pages. The first page is to be completed with the required information pertaining to the entry involved in the action. The second page is to be completed with the required information pertaining to the administrative decisions contested in the action.

When one action includes entries involving one consignee and one port of entry, the original and five copies of the summons must be filed. When the action includes entries involving more than one consignee or more than one port of entry, an additional copy of the summons must be filed at the same time for each such additional consignee and each such additional port of entry.

(As amended July 23, 1993, eff. July 23, 1993; Dec. 18, 2001, eff. Apr. 1, 2002.)

Form 3

This form of summons is to be used only in those actions described in 28 U.S.C. § 1581(c). It is to be used both: (1) when the action is commenced by filing a summons only (i.e., to contest a determination listed in section 516A(a)(2) or (3) of the Tariff Act of 1930; and (2) when the action is commenced by filing concurrently a summons and a complaint (i.e., to contest a determination listed in section 516A(a)(1) of the Tariff Act of 1930).

The summons must be filed with a \$150 filing fee, a completed Information Statement (Form 5), and a completed Disclosure of Corporate Affiliation and Financial Interest (Form 13).

When the clerk of the court is required to make service of the summons (i.e., those actions commenced by filing a summons only), the original and one copy of the summons must be filed with an additional copy for each defendant to be served; and the back of the summons must list the complete name and mailing address of each defendant to be served.

When the plaintiff is required to make service of the summons (i.e., those actions commenced by filing concurrently a summons and a complaint), the original and one copy of the summons must be filed with proof of service. Before making service of the summons, plaintiff must obtain a court number from the office of the clerk and endorse the number on the summons. For this purpose, a court number may be assigned to the action and obtained by telephone request, but in no event shall a court number be obtained from the office of the clerk more than 24 hours prior to the service of the summons.

(As amended July 21, 1986, eff. Oct. 1, 1986; July 23, 1993, eff. July 23, 1993; Aug. 29, 2000, eff. Jan.1, 2001)

SPECIFIC INSTRUCTIONS-FORM 4

Form 4

This form of summons is to be used in all actions other than those actions in which the form of summons to be used is Form 1, 2, or 3.

The original and one copy of the summons must be filed with proof of service, a \$150 filing fee, except that a \$25 filing fee shall be paid when the action is one described in 28 U.S.C. § 1581(d)(1), a completed Information Statement (Form 5), and a completed Disclosure of Corporate Affiliation and Financial Interest (Form 13). Before making service of the summons, plaintiff must obtain a court number from the office of the clerk and endorse the number on the summons. For this purpose, a court number may be assigned to the action and obtained by telephone request, but in no event shall a court number be obtained from the office of the clerk more than 24 hours prior to the service of the summons.

(As amended July 23, 1993, eff. July 23, 1993; Dec. 18, 2001, eff. Apr.1, 2002.)

Form 5

The Information Statement, which must be filed when an action is commenced, is a form available from the office of the clerk. The original and a sufficient number of copies for service (when service is to be made by the Office of the Clerk) of the completed Information Statement must be filed.

(As amended Aug. 29, 2000, eff. Jan. 1, 2001.)

Form 6

The original and one copy of a Request for Trial must be filed after service as prescribed in Rule 40(a).

After receipt of a Request for Trial and any opposition to the request, the court will designate the date and place for trial. As prescribed in Rule 77(c), the judge to whom the action is assigned will designate the date of the trial to be held at, or continued to, New York City; and the chief judge will designate the place and date of the trial to be held at, or continued to, any place other than New York City.

After receipt of a request for a trial at a place other than New York City and any opposition to the request, the chief judge may issue an order. The order, which will set the place and date of, and designate a judge to preside at, the trial will be issued to the parties by the clerk of the court at least 15 days before the scheduled date, or such shorter time as the chief judge may deem reasonable.

(As amended July 23, 1993, eff. July 23, 1993.)

SPECIFIC INSTRUCTIONS-FORM 7

Form 7

In an action commenced under 28 U.S.C. § 1581(a), 1581(b) or 1582, a Notice of Dismissal which, as prescribed by Rule 41(a)(1)(A), may be filed by plaintiff at any time before service of an answer or motion for summary judgment, must be substantially in the form set forth in Form 7, and must include for each action noticed for dismissal: the court number; and the name of the plaintiff. In addition, in an action commenced under section 1581(a) or (b), the plaintiff is to include the protest number and the entry number, if applicable. In an action commenced under section 1582, the plaintiff also shall include the claim number, if applicable.

A Notice of Dismissal may include, on an attached schedule, more than one action.

(As amended July 23, 1993, eff. July 23, 1993; Dec. 18, 2001, eff. Apr.1, 2002.)

SPECIFIC INSTRUCTIONS-FORM 7A

Form 7A

In an action commenced other than under 28 U.S.C. § 1581(a), 1581(b) or 1582, a Notice of Dismissal which, as prescribed by Rule 41(a)(1)(A), may be filed by plaintiff at any time before service of an answer or motion for summary judgment, must be substantially in the form set forth in Form 7A, and must include for each action noticed for dismissal the court number and the name of the plaintiff.

(As added Dec. 18, 2001, eff. Apr.1, 2002.)

Form 8

In an action commenced under 28 U.S.C. § 1581(a), 1581(b) or 1582, a Stipulation of Dismissal which, as prescribed by Rule 41(a)(1)(B), may be filed by plaintiff, must be substantially in the form set forth in Form 8, and must include for each action stipulated for dismissal: the court number; and the name of the plaintiff. In addition, in an action commenced under section 1581(a) or (b), the plaintiff is to include the protest number and the entry number, if applicable. In an action commenced under section 1582, the plaintiff also shall include the claim number, if applicable.

A Stipulation of Dismissal may include, on an attached schedule, more than one action.

(As amended July 23, 1993, eff. July 23, 1993; Dec. 18, 2001, eff. Apr.1, 2002.)

SPECIFIC INSTRUCTIONS-FORM 8A

Form 8A

In an action commenced other than under 28 U.S.C. § 1581(a), 1581(b) or 1582, a Stipulation of Dismissal which, as prescribed by Rule 41(a)(1)(B), may be filed by plaintiff, must be substantially in the form set forth in Form 8, and must include for each action stipulated for dismissal the court number and the name of the plaintiff.

(As added Dec. 18, 2001, eff. Apr. 1, 2002.)

Form 9

As prescribed in Rule 58.1, an action described in 28 U.S.C. § 1581 (a) or (b) may be stipulated for judgment on an agreed statement of facts.

The proposed stipulated judgment on agreed statement of facts shall be substantially in the form set forth in Form 9, with appropriate additions and deletions if the action does not involve valuation or classification. The proposed stipulated judgment on agreed statement of facts shall be filled out in accordance with the Endnotes found following Form 9.

(Added July 23, 1993, eff. July 23, 1993; amended Mar. 25, 1998, eff. July 1, 1998)

Form 10

An Application for Admission to Practice which, as prescribed by Rule 74(b)(1), shall be completed and filed with the clerk of the court. The application shall be substantially in the form set forth in Form 10. The application shall include the name, the residential address, and the office address of the applicant, and the name and address of the applicant's employer.

The application must be filed with a \$50 admission fee. In addition to the fee, the applicant must file (1) the statement of the sponsoring attorney, who is a member of the bar of this court or of the bar of the Supreme Court of the United States, or in the alternative (2) a certificate of a judge or a clerk of any of the courts specified in Rule 75(a). This certificate shall state that the applicant is a member in good standing of the bar of that court.

(As added July 23, 1993, eff. July 23, 1993.)

Form 11

A Notice of Appearance which, as prescribed by Rule 75(b)(2), shall be served by an attorney authorized to appear in the action. The attorney shall serve a separate notice for each action. The notice shall be served in all instances except those specified in Rule 75(b)(1). The notice shall be substantially in the form set forth in Form 11.

An appearance may be made by an individual attorney or by a firm of attorneys. If an appearance is made by a firm of attorneys, the individual attorney responsible for the litigation shall be designated. The notice should include the name of the attorney, and the name, address and telephone number of the firm.

Whenever there is any change in the name of an attorney of record, the attorney's address or telephone number, a new notice of appearance for each action shall be promptly served upon the other parties and filed with the court. The notice shall be substantially in the form as set forth in Form 11.

(As added July 23, 1993, eff. July 23, 1993.)

Form 12

A Notice of Substitution of Attorney which, as prescribed by Rule 75(c), must be served by the party desiring to substitute an attorney. The service must be to the prior attorney of record and to all other parties. The notice shall be substantially in the form set forth in Form 12.

The notice should include the name of the substituted attorney, the prior attorney of record, and shall be signed by the substituting party. The notice also shall include a notice of appearance by the substituted attorney.

(As added July 23, 1993, eff. July 23, 1993.)

Form 13

A Disclosure of Corporate Affiliation and Financial Interest which, as prescribed by 28 U.S.C. § 455, must be made when a corporation is a party to any action and the corporation as a subsidiary or affiliate of any publicly owned American or foreign corporation not named in the action. The attorney of record must notify the clerk of the court in writing of the identity of the parent or affiliate corporation and the relationship of the party and the parent or affiliate corporation.

A Disclosure must be made in all actions described in 28 U.S.C. § 1581. In an action described in 28 U.S.C. § 1581(a) or (b), the attorney of record for the plaintiff also shall notify the clerk of the court in writing of the identity of the ultimate consignee or real party in interest if different from the named plaintiff.

A Disclosure must be made when a trade association is a party to the action. The attorney for the trade association shall notify the clerk of the court in writing of the identity of each publicly-owned American or foreign member of the trade association.

If any trade association or corporate party seeks to intervene or appear as *amicus curiae*, the entity's attorney is also required to comply with the notification requirements set forth above.

The required disclosure notification shall be made on Form 13. The form will be provided by the office of the clerk of the court when the first pleading or other paper is filed by a party or when a motion to intervene or appear as *amicus curiae* is filed.

(As added July 23, 1993, eff. July 23, 1993.)

Form 14 RESERVED

(As added July 23, 1993, eff. July 23, 1993; and amended Oct. 5, 1994, eff. Jan. 1, 1995.)

Form 15

An Application for Attorney's Fees and Other Expenses Pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d) and Rule 68, must be filed within 30 days after the date of entry by the court of a final judgment.

The Application for Attorney's Fees and Expenses shall be substantially in the form set forth in Form 15. As prescribed by Rule 68, the application shall contain a citation to the authority which authorizes an award. The application shall indicate the manner in which the prerequisites for an award have been fulfilled. Each application shall also contain a statement, under oath, which specifies (1) the nature of each service rendered; (2) the amount of time expended in rendering each type of service; and (3) the customary charge for each type of service rendered.

(As added July 23, 1993, eff. July 23, 1993.)

Form 16

An Order of Deposit and Investment directing the clerk to deposit money in an interest-bearing account, which as prescribed by Rule 67.1, shall be filed by delivery or by certified mail, return receipt requested, which the clerk or financial deputy who will inspect the proposed order for proper form and content prior to signature by the judge for whom the proposed order was prepared. The proposed order shall be substantially in the form set forth in Form 16.

Any proposed order that directs the clerk to invest in an interest-bearing account or instrument funds deposited in the registry of the court pursuant to 28 U.S.C. § 2401 also shall contain all information in accordance with Rule 67.1(b).

(As added July 23, 1993, eff. July 23, 1993.)

Form 17

As provided in Rule 71(c), the filing of a properly executed Business Proprietary Information Certification with the court entitles an attorney representing a party in an action brought pursuant to 28 U.S.C. § 1581(c) to have access to business proprietary information in the administrative record. Further, as also provided in Rule 71(c), the filing of a properly executed Business Proprietary Information Certification (including the required additional certifications as detailed in Form 17) entitles a non-attorney consultant to have access to business proprietary information in such an action. The Business Proprietary Information Certification shall be substantially in the form set forth in Form 17. Assuming that the properly executed Certification is timely filed, obtaining the consent of the other parties is not necessary for individuals who were subject to the administrative protective order in the underlying proceeding. Form 17 and the provisions referred to in the form are designed specifically for use in an action brought pursuant to 28 U.S.C. § 1581(c), and are not intended for use in other actions.

(As added Jan. 25, 2000, eff. May 1, 2000.)

Form 18

As provided in Rule 71(c), in an action brought pursuant to 28 U.S.C. § 1581(c) in which a party has access to business proprietary information, a Notification of Termination of Access to Business Proprietary Information Pursuant to Rule 71(c) is to be utilized to inform the court and the other parties of the attorneys and consultants whose access to business proprietary information has been terminated. As also provided in Rule 71(c), the removal of parties from access to business proprietary information is, to the extent practicable, to be a matter of notice. Use of a standard form is intended to facilitate that process and further ease the burden on any parties who are subject to the terms of Rule 71(c) and the Appendix on Access to Business Proprietary Information Pursuant to Rule 71(c). The Notification of Termination of Access to Business Proprietary Information Pursuant to Rule 71(c) shall be substantially in the form set forth in Form 18.

(As added Jan. 25, 2000, eff. May 1, 2000.)